



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

FOIA Case: 69672
24 January 2013

MuckRock News
Mr. Shawn Musgrave
Dept MR 2485
P.O. Box 55819
Boston, MA 02205-5819

Dear Mr. Musgrave:

This responds to your 12 January 2013 Freedom of Information Act (FOIA) request which was received by this office on 14 January 2013, for a copy of all records this Agency maintains on Aaron H. Swartz. Your letter has been assigned Case Number 69672. Please refer to this case number when contacting us about your request. Your request has been processed under the provisions of the FOIA. For purposes of this request and based on the information you provided in your letter, you are considered an "all other" requester. There are no assessable fees for this request.

Personnel management files are maintained on NSA/CSS affiliates. Therefore, a search of our most comprehensive filing systems which include applicant, personnel, security, medical, and training was conducted. Our records reflect that Aaron H. Swartz has never been affiliated with this Agency; thus, no records were located in a search of those filing systems.

You may be aware that one of the NSA/CSS missions is to collect, process, and disseminate communications or signals intelligence information for intelligence and counter intelligence purposes and to support military operations. NSA collects information on unspecified persons and entities to prevent and protect against terrorist attacks, the proliferation of weapons of mass destruction, intelligence activities directed against the United States, international criminal drug activities, and other hostile activities directed against the United States. The roles and responsibilities that NSA exercises are delineated in Executive Order 12333, as amended.

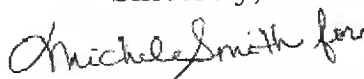
The classified nature of the National Security Agency's efforts prevents us from either confirming or denying the existence of intelligence records

responsive to your request, or whether any specific technique or method is employed in those efforts. The fact of the existence or non-existence of responsive records is a currently and properly classified matter in accordance with Executive Order 13526, as set forth in Subparagraph (c) of Section 1.4. Thus, your request is denied pursuant to the first exemption of the FOIA, which provides that the FOIA does not apply to matters that are specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign relations and are properly classified pursuant to such Executive Order.

Moreover, the third exemption of the FOIA provides for the withholding of information specifically protected from disclosure by statute. Thus, your request is also denied because the fact of the existence or non-existence of the information is exempted from disclosure pursuant to the third exemption. The specific statutes applicable in this case are Title 18 U.S. Code 798; Title 50 U.S. Code 403-1(i); and Section 6, Public Law 86-36 (50 U.S. Code 402 note).

The Initial Denial Authority for NSA information is the Deputy Associate Director for Policy and Records, D. M. Janosek. As your request is being denied, you are hereby advised of this Agency's appeal procedures. Any person denied access to information may file an appeal to the NSA/CSS Freedom of Information Act Appeal Authority. The appeal must be postmarked no later than 60 calendar days of the date of the initial denial letter. The appeal shall be in writing addressed to the NSA/CSS FOIA Appeal Authority (DJ4), National Security Agency, 9800 Savage Road STE 6248, Fort George G. Meade, MD 20755-6248. The appeal shall reference the adverse determination and shall contain, in sufficient detail and particularity, the grounds upon which the requester believes that the determination is unwarranted. The NSA/CSS FOIA Appeal Authority will endeavor to respond to the appeal within 20 working days after receipt, absent any unusual circumstances.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michelle Smith for", written in dark ink.

PAMELA N. PHILLIPS

Chief

FOIA/PA Office